

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

PAUL MARTINKA

Plaintiff,

- against -

FIRST MEDIA POWER GROUP LLC

Defendant.

Docket No. 1:23-cv-1061-PGG

DECLARATION OF JAMES H. FREEMAN

I, JAMES H. FREEMAN, hereby declares that the following is true and correct to the best of my personal knowledge:

1. I am counsel for plaintiff Paul Martinka (“Plaintiff”) and am duly admitted to practice law in this District and in the State of New York.
2. I submit this declaration in support of Plaintiff’s application for entry of default judgment against defendant First Media Power Group LLC (“Defendant”) pursuant to Fed.R.Civ.P. 55(b) and Local Rule 55.2(b).
3. The basis for entry of default is Defendant’s failure to answer or otherwise file a response to the complaint.
4. On February 13, 2023, a copy of the summons and complaint was served on Defendant via Sue Zouky, a clerk in the office of the Secretary of State, of the State of New York, who is authorized to accept service on Defendant’s behalf. [Affidavit of Service, Dkt. No. 8] The deadline to file an answer or responsive pleading was March 15, 2023.
5. On March 16, 2023, the Clerk entered a Certificate of Default. [Dkt. No. 11]

6. Defendant is not an infant or an incompetent.

7. There is only one defendant in this action; thus, the Court may appropriately order a default judgment against Defendant on the issue of damages.

Attorneys' Fees and Costs

14. Plaintiff seeks \$840.00 in attorneys' fees and \$440.00 in costs under 17 U.S.C. § 505.

15. I am a senior associate at Sanders Law Group, a New York-based law firm which specializes in copyright enforcement of photographs and videos. I graduated from the Benjamin N. Cardozo School of Law in 2000 and have over twenty years of substantial experience in the field of intellectual property law, including lead trial counsel experience in this District. I have served as counsel of record on behalf of copyright holders in over 500 infringement actions.

16. My current hourly rate is \$600/hr., which is reasonable for a New York attorney with over twenty years of experience as an intellectual property attorney. *See, e.g., Pyatt v. Raymond*, 10 Civ. 8764, 2012 WL 1668248 at *6 (S.D.N.Y. May 10, 2012) (collecting cases approving \$400 to \$650 hourly rates for partners in copyright and trademark cases); *OZ Mgmt. LP v. Ozdeal Inv. Consultants, Inc.*, 09 Civ. 8665, 2010 WL 5538552 at *3 (S.D.N.Y. Dec. 6, 2010) (finding \$657 per hour “is well within the range of rates for law firm partners in the New York City area with significant intellectual property law experience”); *GAKM Res. LLC v. Jaylyn Sales Inc.*, 08 Civ. 6030 (GEL) (THK), 2009 WL 2150891, at *8 (S.D.N.Y. July 20, 2009) (adopting report and recommendation approving \$650 and \$600 hourly rates for partners specializing in intellectual property litigation); *BMI v. Pamdh*, 2014 WL 2781846, at *7 (approving hourly rates of \$570 for partner with 15 years' experience in copyright law); *Entral*

Group Int'l. LLC v. Sun Sports Bar Inc., No. 05 Civ. 4836(CBA), 2007 WL 2891419, at *10 (E.D.N.Y. Sept.28, 2007) (approving hourly rate of \$560.00 in copyright infringement action).

17. Although I am not a partner at Sanders Law Group, I respectfully submit that my breadth and length of experience in the field warrants an hourly rate that is on par with a New York-based partner.

STATEMENT OF FEES

Date	Description of Services	Time	Total
2/8/23	• Research, draft and file complaint	0.5	\$300.00
3/16/23	• Draft application for entry of default	0.1	\$60.00
5/1/23	• Draft application for default judgment, including attorney declaration	0.8	\$480.00
Total		1.4	\$840.00

COSTS

Date	Description	Total
2/8/23	Court filing fee	\$400.00
2/13/23	Service Cost [Dkt. No. 8]	\$40.00
TOTAL	-	\$440.00

17. No part of the Judgment sought has been paid, other than as indicated in the present motion.

18. Attached hereto as Exhibit A is a true and correct copy of the initiating complaint plus exhibits.

19. Attached hereto as Exhibit B is a copy of the affidavit of service of the summons and complaint.

20. Attached hereto as Exhibit C is the Certificate of Default from the Clerk of Court.

21. Attached as Exhibit D is a true and correct copy of the applicable copyright registration certificate, bearing VA No. 2-248-219.

Dated: May 1, 2023
Uniondale, New York

Respectfully Submitted:

s/jameshfreeman/

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